

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.8185 of 2007

Between:

Qurban Ali Khan.

.. PETITIONER

and

The Employees State Insurance Corporation and another.

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RESPONDENTS

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ORDER:

It is the case of the petitioner that he along with his mother, brothers

and sisters are the owners and possessors of their ancestral house bearing Municipal No.7-1-633, in T.S.No.2/2, Block-M, Ward No.8/3 of Bahlookhanguda, at Sanathanagar, which is located behind ESI Hospital. The total extent of the said premises is 4000 sq. yards.

It is stated that out of the said land, 1428 sq. yards along with the building were acquired by the Special Deputy Collector, Land Acquisition (General), Hyderabad, for extension of ESI Hospital by initiating Land Acquisition proceedings. With regard to payment of compensation, an application under Section 18(1) of the Land Acquisition Act was made and the matter was registered as O.P.No.226 of 1991 by the I Senior Civil Judge, City Civil Court, Hyderabad, and determined the market value at the rate of Rs.480/- per sq. yard along with other benefits available under the Land Acquisition Act.

Aggrieved by the same, the petitioner filed C.C.C.A.No.420 of 2003 before this Court and the same is pending.

It is further stated that after acquiring an extent of 1428 sq. yards, the petitioner and his family members were in possession of an extent of 2572 sq. yards. However, under the guise of the said land, which was already acquired, the respondents are interfering with the peaceful possession and enjoyment of the remaining extent of 2572 sq. yards of the open land was in possession of the petitioner and his family members. In that connection, the petitioner made a representation, dated 05-04-2007, before the 2nd respondent, and the same is still pending.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation, dated 05-04-2007, if any filed and received by him, within four weeks from the date of receipt of a copy of this order. If any such representation is pending, no coercive steps shall be taken to

dispossess the petitioner from the property in question. There shall be no order as to costs.

19-04-2007

Prv